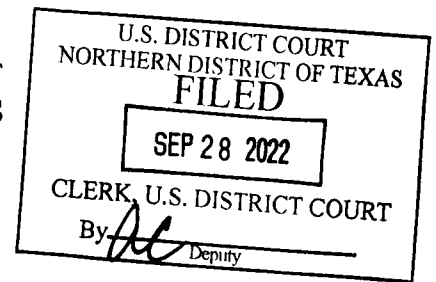


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



HAROLD "BUD" ERIC HAM,

Petitioner,

v.

DIRECTOR, Texas Department of Criminal  
Justice, Correctional Institutions Division,

Respondent.

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2:19-CV-031-Z-BR

**ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
AND  
DENYING PETITION FOR A WRIT OF HABEAS CORPUS**

Before the Court are the Findings, Conclusions, and Recommendation ("FCR") of the United States Magistrate Judge recommending denial of the Petition for a Writ of Habeas Corpus filed by Petitioner in this case (ECF No. 37). Petitioner filed objections. After making an independent review of the pleadings, files, and records in this case, the Court agrees with the Magistrate Judge. The Court therefore **ADOPTS** the FCR and **DENIES** the Petition for Writ of Habeas Corpus.

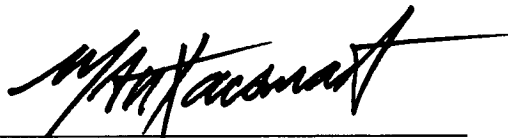
Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, and 28 U.S.C. § 2253(c), the Court denies a certificate of appealability, because Petitioner fails to make "a substantial showing of the denial of a constitutional right." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also Hernandez v. Thaler*, 630 F.3d 420, 424 (5th Cir. 2011). The Court **ADOPTS** and incorporates by reference the Magistrate Judge's FCR in support of the Court's finding that Petitioner fails to show: (1) reasonable jurists would find this Court's "assessment of the constitutional

claims debatable or wrong”; and (2) reasonable jurists would find “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack*, 529 U.S. at 484.

If Petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* on appeal.

**SO ORDERED.**

September 28, 2022

  
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MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE